

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CYNTHIA OSBORNE,

Plaintiff,

v.

MICHAEL ASTRUE,
Commissioner of the Social Security
Administration,

Defendant.

§
§
§
§
§
§
§
§
§
§

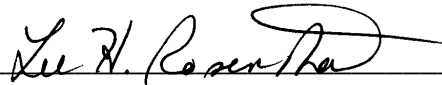
CIVIL ACTION NO. H-06-3128

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND REMANDING

This court has reviewed the Memorandum and Recommendation of the United States Magistrate Judge signed on February 27, 2008, and has made a *de novo* determination of the Magistrate Judge's recommended disposition. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). No objections have been filed. This court finds that the Memorandum and Recommendation should be, and is, adopted as this court's Memorandum and Order. This court finds that remand is required for the Administrative Law Judge properly to assess the plaintiff's mental and physical impairments and to consider the opinions of her treating physicians. This court grants the plaintiff's motion for summary judgment and denies the defendant's motion to the extent of requiring a remand.

This case is remanded to the Social Security Commission for further proceedings consistent with the Memorandum and Recommendation of the Magistrate Judge, adopted as the Memorandum and Opinion of this court.

SIGNED on March 25, 2008, at Houston, Texas.



Lee H. Rosenthal
United States District Judge